

Timothy A. Lukas, Esq.
Nevada Bar No. 4678
Joseph G. Went, Esq.
Nevada Bar No. 9220
HOLLAND & HART ^{LLP}
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Tel: (702) 669-4600
Fax: (702) 669-4650
Email: jgwent@hollandhart.com

*Attorneys for John Beach, Trustee of the
Beach Living Trust dated January 22, 1999*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

ANTHONY THOMAS and WENDI THOMAS

Case No.: BK-N-14-50333-btb
Chapter: 11

[Lead Case – Jointly Administered]

- ☒ Affects AT EMERALD, LLC
☐ Affects all Debtors

Case No.: BK-N-14-50331-btb
Chapter: 11

**DECLARATION OF JOSEPH G.
WENT, ESQ. IN SUPPORT OF
APPLICATION FOR HEARING ON
ORDER SHORTENING TIME
REGARDING MOTION TO
COMPEL PRODUCTION OF
REQUIRED KEY OR AUTHORIZE
DRILL OUT OF VAULT LOCK**

Hearing Date: OST REQUESTED

Hearing Time: OST REQUESTED

I, JOSEPH G. WENT, ESQ., do hereby declare:

1. I am counsel for John Beach (“Beach”), as trustee of the Beach Living Trust dated January 22, 1999 (the “Beach Trust”).

2. I have knowledge and am competent to testify concerning the facts set forth herein.

3. I make this declaration in support of the *Motion to Compel Production of Required Key or Authorize Drill Out of Vault Lock* (the “Motion”).

4. The Beach Trust’s claim concerns that certain Promissory Note Secured by

Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
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Pledge and Security Agreement (the “Note”) whereby Debtor promised to pay to the Beach Trust the original principal sum of \$500,000.00, together with all accrued interest, fees, and costs due thereunder.

5. The Beach Trust’s claim herein also concerns that Pledge and Security Agreement (the “Security Agreement”) wherein the Debtor granted to the Beach Trust a security interest in that certain 23 kilogram black schist stone including a green crystal beryl (natural emerald) of approximately 22,500 carats, which stone is commonly known as the “Thomas Emerald.”

6. The Thomas Emerald is described on Debtor’s Schedule B on file herein.

7. The Thomas Emerald is currently held at the Sarasota Vault, 640 South Washington Blvd., Suite 125, Sarasota, Florida, 34236 (“Sarasota Vault”).

8. On March 4, 2014, Debtor filed its voluntary chapter 11 petition herein (the “Petition Date”).

9. On June 24, 2014, the Beach Trust obtained authority pursuant to FRBP 2004 to examine the person most knowledgeable of the Sarasota Vault, including access to and inspection of the Thomas Emerald. See Dkt. 93.

10. The 2004 examination of the person most knowledgeable of the Sarasota Vault, including access to and inspection of the Thomas Emerald, was originally scheduled to occur on July 10, 2014.

11. On July 2, 2014, the Beach Trust received a letter from counsel for the Sarasota Vault. A true and correct copy of the July 2, 2014 letter is attached to the Motion as **Exhibit 1** and incorporated herein by reference. The July 2, 2014 letter sets forth the following points:

a. Access to the subject box at the Sarasota Vault is controlled by a two-key system, where one key is controlled by Debtor; and

b. Without the second key, the only way that the subject box could be opened is for a locksmith to drill the locks and replace them at the conclusion of the examination, for a fee of approximately \$200.00. *Id.*

12. On June 23, 2014, Debtor filed its Motion to Sell Assets Free and Clear of Liens and Motion to File Purchase and Sale Agreement under Seal (the “Motion to Sell”). Dkt. 40.

/s/ Joseph G. Went
Joseph G. Went, Esq.